

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

OHENE BOAYKE-YIADOM,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No.: 4:13-cv-3076 KAW

ORDER TO SHOW CAUSE WHY CASE  
SHOULD NOT BE DISMISSED FOR  
FAILURE TO PROSECUTE

Plaintiff Ohene Boakye-Yaidom commenced this Social Security case on July 2, 2013. (Compl., Dkt. No. 1.) The Commissioner filed an answer, and an accompanying certificate of service, on October 15, 2013. (Answer, Dkt. No. 17.) Pursuant to the Social Security Procedural Order entered in this case, Plaintiff was to "serve and file a motion for summary judgment or for remand within 28 days of serve of defendant's answer." (Procedural Order, Dkt. No. 3.) Plaintiff did not file his motion for summary judgment by that deadline.

In an order issued on December 18, 2013, the court noted that this deadline had passed and instructed Plaintiff to file his motion for summary judgment within 28 days. (Dec. 18, 2013 Order at 6-7, Dkt. No. 31.) The court also put Plaintiff "on notice that failure to comply with this deadline may result in dismissal of this case for failure to prosecute." (*Id.* at 7.)

As of the date of this order, Plaintiff has not yet filed his motion for summary judgment. Accordingly, Plaintiff shall show cause why this case should not be dismissed for failure to prosecute. Plaintiff shall file a written response to this order to show cause by no later than March 17, 2014. If Plaintiff wishes to proceed in this action, Plaintiff shall also file his motion for summary judgment by no later than March 17, 2014. The response to this order to show cause

1 and the motion for summary judgment should be filed as separate documents. Failure to timely  
2 file both documents may result in dismissal of this action.

3 IT IS SO ORDERED.

4 Dated: March 3, 2014

  
KANDIS A. WESTMORE  
United States Magistrate Judge

United States District Court  
Northern District of California